



October 16, 2003

Possible Amendments to the Iraq Supplemental (H.R. 3289)

The following amendments have been pre-printed in the Congressional Record, however under an open rule (H.Res. 396), amendments do not need to be pre-printed and may be offered at any time without prior notice.

Amendments that should **NOT** be subject to a point of order:

Shadegg (#5). Transfers the \$245 million added in the bill during markup for Contributions to International Peacekeeping Activities (CIPA) in Liberia (State Department) into the Iraq Reconstruction portion of the bill.

Shadegg (#6). Transfers the \$245 million mentioned above for CIPA and also the \$100 million added in the bill during markup for International Disaster and Famine Assistance for Sudan and Liberia to the Iraq Reconstruction Fund.

DeFazio (#8). Prevents the funds made available in this Act from being used for the participation of Iraq in the Organization of Petroleum Exporting Countries (OPEC).

DeFazio (#9). Reduces funding under the "Iraq Relief and Reconstruction Fund" by 90% to \$1,864,900,000.

Lantos (#25). Inserts the following new section: "None of the funds made available in this Act under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" may be provided except in the form of loans repayable to the United States Government, where permitted by law."

Jackson-Lee (#30). Strikes lines 1 through 7 on page 49 (text with page numbers is unavailable).

Jackson-Lee (#31). Reduces funding on Page 30, line 1 (text unavailable) by \$300 million and increases funding for Afghan women's programs by \$300 million.

Jackson-Lee (#32). Reduces funding on Page 30, line 5 (text unavailable) by \$300 million and increases funding for Afghan women's programs by \$300 million.

Amendments that Are Likely to be subject to a point of order:

Ramstad (#7). Increases the Army's personnel funding account by \$98 million with the intention of extending the Rest and Recuperation (R&R) program to include domestic travel. Offsets will be taken from the nearly \$5.6 billion allocated for Iraqi electrical infrastructure, amounting to less than a 2 percent cut (1.76 percent) from that funding.

Amendments that Should be subject to a point of order:

Hastings (FL) (#1). Expresses a sense of Congress that the President should establish and implement a plan of action to achieve security, relief, rehabilitation, and reconstruction in Iraq. Such a plan should articulate the United States interests involved, define United States objectives, and provide a strategy for achieving objectives, including a listing of each Federal department and agency involved in achieving the objectives and a detailed description of the responsibilities of each such department and agency thereto.

Hastings (FL) (#2). Prohibits funds made available in this Act from being used for

- (1) the construction, refurbishment, maintenance, or operation of any educational facility that discriminates on the basis of religion, national origin, race, color, or gender;
- (2) the construction, refurbishment, maintenance, or operation of any educational facility that segregates students on the basis of any of the criteria described in paragraph (1);
- (3) the payment of the salary of any educational administrator or teacher who demonstrates, encourages, or condones disparate treatment of students on the basis of any of the criteria described in paragraph (1); or
- (4) the purchase of any educational material, or establishment of any educational curriculum, that promotes anti-Semitic, anti-western, or anti-democratic values or beliefs.

Manzullo (#3). Requires, to the greatest extent possible, that monies appropriated for relief and reconstruction of Iraq be spent for: (1) raw materials mined or produced in the United States, (2) manufactured articles, materials, and supplies manufactured in the United States substantially all from raw materials mined, produced or manufactured in the United States, and (3) serviced performed by United States labor. The amendment also requires that head of each agency or department of the Federal Government spending the money appropriated submit a report to Congress 60 days after the date of enactment, and every 60 days thereafter until all the monies appropriate are expended, with respect to: (1) all contracts awarded, (2) the origin of non-manufactured raw materials used under each contract, (3) the origin of raw materials used in manufactured articles, materials, and supplies to be used under each contract, and (4) the source of the labor performing the work under each contract.

Stearns (#4). Expresses a sense of Congress that amounts made available in the Iraq Supplemental under the heading "Iraq Relief and Reconstruction Fund" be in the form of loans subject to repayment to the United States Government by a future sovereign government in Iraq.

DeFazio (#10). Authorizes new appropriations for making payments to states and local governments to stimulate economic recovery in an amount equal to at least the total amount

appropriated under this Act and under the Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108-11) under the heading "Iraq Relief and Reconstruction Fund."

Van Hollen (#11). Increases income taxes on those small businesses, families, and individuals who pay the highest marginal income tax rate beginning December 31, 2004. The top rate would jump from 35.0% in 2004 to 38.2% in 2005 and thereafter.

Van Hollen (#12). Prohibits the funds made available in this Act from being obligated or expended for weapons inspection until the President certifies to the Congress that inspectors from the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), or any other entity representing the United Nations, have been invited to participate in the inspection process and to share any information gathered therein with inspectors from the Iraq Survey Group or any other entity representing the United States or the United States-led coalition in Iraq. The President would have to report to Congress on the cost savings that have resulted from such UN participation.

Filner (#13). Provides an additional \$125 million to hire 1,300 additional customs inspectors on the United States borders, provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Filner (#14). Provides an additional \$295 million for domestic hospital construction repair and upgrades, provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Filner (#15). Provides an additional \$1.2 billion for bioterrorism preparedness grants for United States border hospitals and other first responder healthcare providers, provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Filner (#16). Provides an additional \$2 million for medical supplies and equipment for the veterans hospital at Quezon City, provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Filner (#17). Provides an additional \$10 billion to fully fund the federal portion of the Individuals with Disabilities Education Act (IDEA), provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Filner (#18). Provides an additional \$1 billion to increase the service of Head Start (a federal program that provides early childhood development services to low-income children), provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Filner (#19). Provides an additional \$6.8 billion for school construction, provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Filner (#20). Provides an additional \$5.6 billion to repair, rehabilitate, and produce electric generation and distribution infrastructure, provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Filner (#21). Provides an additional \$5.6 billion for the Secure Electric Network for Travelers Rapid Inspections (SENTRI) in the Bureau of Customs and Border Production, provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Filner (#22). Provides an additional \$1.8 billion for Department of Veterans' Affairs medical programs, provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Filner (#23). Provides an additional \$19.1 million for health care and benefits for Filipino World War II veterans, provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Filner (#24). Provides an additional \$290 million for programs to assist America's first responders, police officers, firefighters, and paramedics, provided that such amount is designated as an emergency pursuant to the Budget Resolution.

Jackson-Lee (#26). Prohibits funds made available in this Act from being obligated or expended until the government's personnel policies have been set in place, so that no members of the Armed Forces or government employees are being required to be stationed in Iraq continuously for a period greater than six months.

Jackson-Lee (#27). Prohibits funds made available in this Act from being obligated or expended until the President has submitted to Congress a report setting forth in detail the strategy and projected timetable for withdrawing United States forces from Iraq.

Jackson-Lee (#28). Expresses a sense of Congress that there should be two votes on this Act: one to address funding specifically designated for the support of military functions, and the second to address funding specifically designated for the reconstruction of Iraq. Following these votes, the amendment would call for a UN Security Council resolution including an identification of those allies which will assist the United States in its efforts, total number and phasing of troops to be deployed, an explanation of the extent of burden-sharing that can be expected, and an exit plan that accounts for the return of members of the Armed Services to the United States.

Jackson-Lee (#29). Prohibits the funds in this Act from being made available until after the date on which a special counsel is appointed to investigate the identity of those within the Administration who are responsible for the unauthorized and illegal release of classified information relating to the identity of Valerie Plame or to Ambassador Joe Wilson. **6**

Pence (#33). Makes the first 50% of Iraq Reconstruction funding available immediately as a grant, giving priority consideration to the emergency purposes of security, electric sector infrastructure, oil infrastructure, public works, water resources, transportation and telecommunication infrastructures, and other emergency needs. Once the Administration informs Congress that a democratically elected government in Iraq has been established, the

balance of the funding would be made available in the form of loans from the United States Government, under terms determined by the President.

Jackson-Lee (#34). Prevents the funds made available in this Act from being obligated until all Reserve and National Guard personnel are paid in full.

Emanuel (#35). Creates a new federal crime: “War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq.”

Emanuel (#36). Authorizes new appropriations for making payments to states and local governments to stimulate economic recovery in an amount equal to at least the total amount appropriated under this Act and under the Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108-11) under the heading “Iraq Relief and Reconstruction Fund.”

Kennedy (MN) (#37). Requires the Secretary of Defense to reimburse air fare costs incurred by members of the Armed Forces in connection with travel within the United States while such members are on leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom.

Graves (#38). Provides up to \$10 million in emergency financial disaster relief assistance to farmers in Missouri counties severely affected by the dry conditions or by damaging weather conditions.

Other possible amendments:

Moran (KS). Provides emergency funding for Department of Veterans Affairs medical care to treat injured service members returning from Iraq and Afghanistan. *Should be subject to a point of order.*

Kirk. Closes a loophole that allows for non-competitive contracts in certain instances to be reported to Congress seven days after the contract has been awarded. The executive agency would be required to inform Congress of no-bid contracts before they are awarded. *Should be subject to a point of order.*

Scott (VA). Increases the individual pay of active duty military, Reservists, and Guard members who serve more than six months on active duty in Iraq and surrounding countries by \$1000 per month for each month of active duty in excess of six months. *Should be subject to a point of order.*

Markey. Strikes provisions in the bill which would allow the Administration to retransfer or reallocate certain provisions of the \$86.9 billion appropriation.

Such provisions in the underlying bill are as follows:

- \$1.3 billion in Defense-Wide Operations and Maintenance funds can be transferred for payments to reimburse Pakistan, Jordan, and other key cooperating nations.

- \$1.98 billion appropriated for the Iraq Freedom Fund can be transferred over “to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; military construction; the Defense Health Program; and working capital funds.”
- \$73 million in Drug Interdiction and Counter-Drug Activities funds for Afghanistan can be transferred over to “appropriations for military personnel; operation and maintenance, procurement, and research, development, test and evaluation.”
- \$3 billion can be transferred between any of the military personnel, operations and maintenance, procurement, research and development, or other accounts in the bill to any other account that the Secretary wants to send it to, provided that he determines that “such action is necessary in the national interest.”
- Any of the \$40 billion in funds made available to the Defense Department in the bill for Operations and Maintenance can “be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq.”
- Any of \$4.5 billion in funds made available for “Operations and Maintenance— Defense Wide” can be reallocated “to carry out a construction project outside the United States that the Secretary determines” is necessary, so long as it’s not done at a site where the U.S. is “reasonably expected to have a long-term military presence” and the U.S. has “no intention of using the construction after the [urgent] operational requirements have been satisfied.”
- Up to 10 percent of the \$18.6 billion allocated for security relief, rehabilitation, and reconstruction assistance in Iraq can be transferred by the President to other budget allocations for Iraqi reconstruction – up to a 20 percent increase in the allocated funding.